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IAB # FO2247132

O - Sketch diagram drawn by Sergeant [redacted]

P - Foot Pursuit Evaluation Form.

Q - TRS for Magana and Carlo

MISCELLANEOUS DOCUMENTS

761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: February 26, 2010

OFFICE CORRESPONDENCE FILE NO. FO2247132

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY JAIME MAGANA #[redacted]
DEPUTY FEDERICO CARLO II #[redacted]
WEST HOLLYWOOD STATION

On July 20, 2009, at approximately 2207 hours, Deputies Jaime Magana and Federico Carlo used force which resulted in Suspect Rene Gonzalez sustaining a fractured right elbow.

Deputies responded to a "Vandalism now" call; juveniles spray painting on the walls at Plummer Park. Upon his arrival, Deputy Magana saw Suspect Gonzalez walking away from a wall of freshly painted graffiti while holding a can of spray paint. Deputy Magana identified himself and ordered Suspect Gonzalez to stop. Suspect Gonzalez ignored Deputy Magana and threw the spray paint can into a nearby planter and walked away. Deputy Magana followed Suspect Gonzalez on foot while coordinating with other units.

Deputy Magana walked out of Plummer Park and saw Deputy Carlo near [redacted] Fuller Avenue. Deputy Carlo alerted Deputy Magana that Suspect Gonzalez was behind him. When Deputy Magana moved toward the suspect to detain him, Suspect Gonzalez ran past him toward Deputy Carlo. Suspect Gonzalez kicked Deputy Carlo's midsection. Deputy Magana saw the assault and ran toward the suspect. With the assistance of Deputy Carlo, they tackled the suspect in the front yard of [redacted] Fuller Avenue. Suspect Gonzalez landed face up, on a raised 12-inch brick planter. Suspect Gonzalez resisted by punching Deputy Magana on top of his head five to ten times. Deputy Magana punched Suspect Gonzalez approximately three times on the face. Suspect Gonzalez was handcuffed without further incident.

Suspect Gonzalez sustained a fractured right elbow, a possible fractured nose, and contusions to his face. Suspect Gonzalez was treated at Olympia Medical Center by Dr. Oren Hirsch.

On February 18, 2010, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Jaime Magana #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Federico Carlo II #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith

Eric B. Smith, Commander

EBS:YLW/ylw

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 4 0 9 - 0 4 2 1 7 - 0 9 7 3 - 2 6 4 | Date: 7/20/09 | Time: 2207

Location: [redacted] Fuller Avenue | City or Station: West Hollywood

Bureau/Station/Facility: West Hollywood Station | Admin. Investigation: YES ☐ NO ☒

Type of Force: Significant:Takedown/Personal Weapons

Deputy Injury: YES ☐ NO ☒ | Suspect Injury YES ☒ NO ☐

☒ Call ☐ Observation ☐ Detail | ☒ Foot Pursuit ☐ Vehicle Pursuit

IAB Notified: YES ☒ NO ☐ | Person Notified: Lt. Ault | Emp: [redacted] | IAB Roll Out: YES ☒ NO ☐

Involved Employee

E 1

Employee #	Last Name	First Name	Middle Name
[redacted]	Magana	Jaime	G.

Sex: ☒ Male ☐ Female | Race: Hispanic | Unit of Assignment: West Hollywood Station | Work Assignment (Unit #, Module, etc.): 94F

Shift: ☐ EM ☐ Day ☒ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 5'9 | Weight: 162

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☒

E 2

Employee #	Last Name	First Name	Middle Name
[redacted]	Carlo II	Frederico	J.

Sex: ☒ Male ☐ Female | Race: Hispanic | Unit of Assignment: West Hollywood Station | Work Assignment (Unit #, Module, etc.): 91T2

Shift: ☒ EM ☐ Day ☐ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 5'10 | Weight: 175

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☒

E__

Employee #	Last Name	First Name	Middle Name

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case # | Directed Force ☐ Significant Force ☐

☐ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	YES [redacted] NO [redacted]	YES [redacted] NO [redacted]
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Eddins	Lance	B.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
Same			

Watch Commander (**Print Name**) | Watch Commander's **Signature:** | Emp #: | Date

Benjamin Garcia, IAB Sgt. | [redacted]

Supervisor Completing Form: (**Print Name**) | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature:** | Emp #: | Date

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

Supervisor's Report on Use of Force
SUSPECT INFORMATION
409-04217-0973-264

Suspect Information

S 1

Last Name: Gonzalez | First Name: Rene | Middle Name: Antonio

AKA Last Name: | First Name: | Middle Name:

Sex	Race	Street Address	City	State & Zip Code
[X] Male [ ] Female	Hispanic	[redacted]	[redacted]	[redacted]

Work Phone	Home Phone	Age	Height	D.O.B.	Weight	Armed?
[redacted]	[redacted]	19	5'6	04-11-90	140	[ ]

Booking #: 1989715 | Primary Charge Code: 594(b)(1) P.C. | Secondary Charge Code: 243(b) P.C. | Criminal History [redacted]

EMT in attendance? [ ] YES [X] NO Name: | Unit: | Phone #:

Hospital Admission? [ ] | Rec'd Treatment At: Olympia Medical Center | Coroner Case #: | Mental History [ ]

By Doctor: Oren Hirsch | Address: 5900 Olympia Blvd., L.A. 90036 | Phone #: 310/657-5900

Under Influence: [X] YES [ ] NO | Substance: Alcohol | Mental Illness [ ]

Suspect Interview

Date: 07/21/2009 | Time: 0725 | [X] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex	Race	Street Address	City	State & Zip Code
[ ] Male [ ] Female				

Work Phone	Home Phone	Age	Height	D.O.B.	Weight	Armed?
						[ ]

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History [ ]

EMT in attendance? [ ] YES [ ] NO Name: | Unit: | Phone #:

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case #: | Mental History [ ]

By Doctor: | Address: | Phone #:

Under Influence: [ ] YES [ ] NO | Substance: | Mental Illness: [ ]

Suspect Interview

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex	Race	Street Address	City	State & Zip Code
[ ] Male [ ] Female				

Work Phone	Home Phone	Age	Height	D.O.B.	Weight	Armed?
						[ ]

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History [ ]

EMT in attendance? [ ] YES [ ] NO Name: | Unit: | Phone #:

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case #: | Mental History [ ]

By Doctor: | Address: | Phone #:

Under Influence: [ ] YES [ ] NO | Substance: | Mental Illness [ ]

Suspect Interview

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

[ ] Additional Suspects Involved

Supervisor's Report on Use of Force

409 - 04217 - 0973 - 264

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Magana	E#1	Gonzalez	S#1	PH	BR	NO
Magana	E#1	Gonzalez	S#1	TD	FR	EL
Gonzalez	S#1	Magana	E#1	PH	NN	HE
Gonzalez	S#1	Carlo	E#2	PK	NN	AD
Carlo	E#2	Gonzalez	S#1	TD	BR	EL

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
FO2247132

INVESTIGATIVE SUMMARY
SIGNIFICANT USE OF FORCE

INCIDENT: Use of Force; Personal Weapons and Take Down

DATE / TIME: Monday, July 20, 2009, 2207 Hours

LOCATION: [redacted] Fuller Avenue, West Hollywood 90046

URN#: 409-04217-0973-264

On July 20, 2009, the Internal Affairs Bureau Force and Shooting Response Team responded to West Hollywood Station regarding a ***Significant Force Incident.*** The roll-out team consisted of Sergeant Benjamin Garcia and Sergeant David Flores under the supervision of Lieutenant Alicia Ault.

SYNOPSIS/INVESTIGATION:

Deputy personnel responded to a "vandalism now" call, juveniles spray painting walls near the tennis courts at Plummer Park. Upon his arrival, **Witness Deputy Jaime Magana** stated he positioned himself in the north parking lot, off of Fountain Street, north of the tennis courts, As he was responding to the park, he was coordinating other patrol units to take position on the adjacent streets that border the park. Magana parked his vehicle and walked down the walkway that leads, and borders the tennis courts on the east side and the basketball courts on the west side. As Magana walked down the walkway, he saw Gonzalez east of his location in front of the south tennis court wall [Exhibit H], holding a spray paint can in his right hand as he stood with two other males.

As Magana continued to walk southbound on the walkway, Gonzalez began walking westbound toward the walkway unaware of Magana's presence. As Gonzalez reached the walkway, within approximately fifteen feet from Magana's position, he was ordered by Magana to stop and drop the spray paint can. Gonzalez threw the paint can into a nearby planter located on the west side of the walkway and quickly walked eastbound toward the

other two males. As he reached the other two males, he ran eastbound, along with the other two males, through the Park toward Fuller Avenue. Magana continued to walk after the suspects as he broadcast the suspects actions to the other patrol units.

Magana walked out of the park at the 1200 block of Fuller Avenue and saw Deputy Carlo's patrol unit parked approximately one hundred yards south of his location, parked along east curb line. As Magana started walking toward Carlo's location, southbound on the east sidewalk, Carlo motioned to Magana that Gonzalez was walking up behind him on the east side walk. Magana turned and saw Gonzalez was approximately thirty yards from his position.

Magana gave Gonzalez orders to get on the ground, but Gonzalez ran past him on the east sidewalk toward Carlo. Magana immediately notified Carlo by his hand held radio that Gonzalez was headed in his direction as he began chasing after Gonzalez. Deputy Carlo positioned himself on the east sidewalk at [redacted] Fuller Avenue to block Gonzalez' path and ordered Gonzalez to stop as he neared Carlo's location. As Gonzalez reached Carlo's location, Gonzalez lifted his right leg and gave a front kick to Carlo's mid section.

After Goinzalez kicked Carlo, he turned toward the front yard at [redacted] Fuller Avenue, where Magana tackled Gonzalez' legs as Carlo grabbed Gonzalez' upper torso. Gonzalez fell onto an approximately twelve inch high brick planter that borders the front of the home, face up with Magana straddling Gonzalez' mid section. Gonzalez immediately began punching at Magana with both hands which forced Magana, in self-defense to protect his face, to lower and expose the top of his head to Gonzalez. Magana was struck by Gonzalez' fist approximately five to ten times on the top of his head. Magana responded by striking Gonzalez' face with his right fist approximately three times which forced Gonzalez to cover his face with hands and turned his back to Magana. Magana grabbed Gonzalez right hand and turned Gonzalez over onto his stomach as Carlo grabbed his left hand. Gonzalez was handcuffed without further incident.

Witness Deputy Federico Carlo stated substantially the same as Magana. He stated he saw Gonzalez run away from Magana, southbound, along the east sidewalk of Fuller Avenue. As he stood on the sidewalk to block Gonzalez path, he ordered Gonzalez several times to stop prior to reaching his location. Gonzalez ignored his commands and he kicked him with his right foot in the stomach area and ran into the front yard at [redacted] Fuller Avenue. Gonzalez was tackled by Magana who fell onto a brick planter, face up. While on the ground, Carlo saw Gonzalez punch Magana several times on his head. Magana responded by striking Gonzalez two to three times in the face. Carlo grabbed Gonzalez' left arm and helped Magana handcuff Gonzalez without further incident. Carlo did not strike Gonzalez and no impact weapons were used during the incident.

Witness Field Sergeant [redacted] was present from the onset of Gonzalez running past Magana and observed the entire incident of Gonzalez kicking Carlo. He was traveling northbound on Fuller Avenue, passing Carlo's location, when he saw Gonzalez running

away from Magana's location. Magana was approximately 100 yards north of [redacted] Fuller Avenue and [redacted] was within twenty-five feet of Magana's location when Gonzalez began running past Magana. [redacted] placed his vehicle in reverse and as he was looking over his right shoulder back through the vehicle windows he saw Gonzalez kick Carlo in the stomach with his right foot. Carlo lunged at Gonzalez forcing Gonzalez onto the front yard of [redacted] Fuller Avenue as Magana came up from behind and tackled Gonzalez. Gonzalez landed face up against the brick planter with Magana landing to the right of Gonzalez.

Witness [redacted] indicated he saw Gonzalez strike Magana's head with his hands several times while on the ground and saw Magana respond by punching Gonzalez approximately three times in the face with his right fist. He did not see Carlo strike Gonzalez and no impact weapons were used by either deputy.

According to **Suspect Rene Gonzalez**, he denied tagging at the park and having a spray paint can in his hand at the park. He did admit to having a spray paint can in his backpack, but it did not have a "tip" for the can. He ran east bound through the park from Magana because he had an arrest warrant. As he reached Fuller Avenue, he hid by a house, and when he came out from his hiding spot he saw Magana. He started walking south bound on the east sidewalk toward Magana and as Magana attempted to make contact he ran south bound past him.

> **IAB note:** **The spray paint can that was discarded by the suspect in the park planter near the tennis court had a "tip." The paint was consistent with the color, texture and the fresh graffiti found at the park [Exhibit A].**

Gonzalez indicated that Carlo struck him with a baton on his right arm when he reached Carlo's location, but denies kicking Carlo. He was taken to the ground and was struck in the face by a deputy. He denied hitting any deputy or attempting to hit any deputy. He acknowledged being ordered by the deputies to stop running prior to being struck and trying to run through Carlo, but did not make contact with him.

There were no other witnesses.

INVOLVED PERSONNEL: All sworn personnel were assigned to West Hollywood Station.

1. Deputy Jaime Magana #[redacted]
2. Deputy Federico #[redacted]

INVOLVED SUSPECT:

1. Rene Gonzalez BK.# 1989715

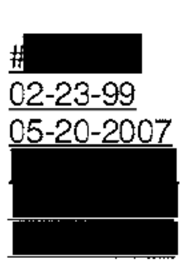
INJURIES:

No sworn personnel suffered any injuries regarding this force incident.

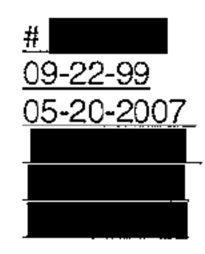
Suspect Gonzalez suffered a fracture right elbow, a possible fracture nose, and contusion to his face. He was treated at Olympia Medical Center by Doctor Oren Hirsch and released to be booked at West Hollywood Station [Exhibits E & H]

BACKGROUND INFORMATION:

Employee Work History:



Deputy Federico Carlo II	#[redacted]
Date of Employment	02-23-99
Date assigned to WHWD	05-20-2007
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	
Prior Founded Force Incidents	



Deputy Jaime Magana	# [redacted]
Date of Employment	09-22-99
Date assigned to WHWD	05-20-2007
Completed Patrol Training	[redacted]
Prior Shooting Incident(s)	
Prior Founded Force Incidents	

Please refer to Exhibit Q for the deputies training record.

Involved Suspect:

Rene Gonzalez, MW/57, 5" 08", 170 lbs.

Booking #: **1989715**
C.I.I. #: [redacted]
Main #:
FBI #:

Please refer to Exhibit G for the suspect's complete Consolidated Criminal History Reporting System (CCHRS) printout.

Criminal Investigator / Charges filed:
Suspect Gonzalez was arrested for Battery on a Peace Officer, Obstruction, and Felony Vandalism. He was convicted for Battery on a Peace Officer and Misdemeanor Vandalism. He was placed on 36-months probation and 45-days in jail.